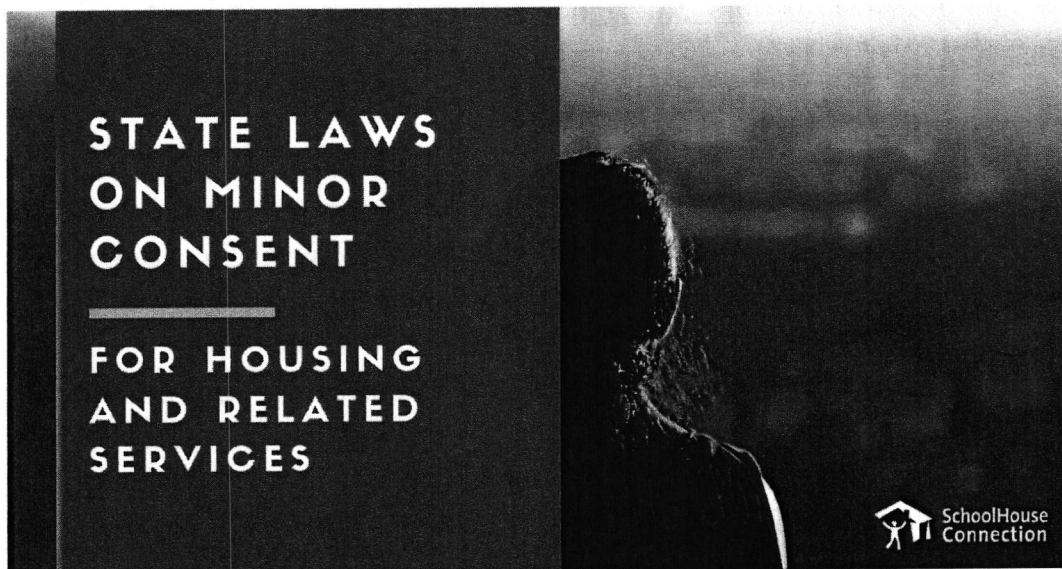


202.364.7392



State Laws on Minor Consent for Housing and Related Services

Mar 28, 2018 | New Resources



[Updated July 2019] Several state legislatures have recognized that unaccompanied homeless youth under age 18 need legal rights to access housing, shelter, and other basic services. States can provide critical protections, such as empowering minors experiencing homelessness to enter into contracts and to consent to shelter services. Below is a summary of such state laws, including new legislation SchoolHouse Connection helped pass with partners in Utah in 2019.

Download the PDF



Current and Pending State Laws Allowing Unaccompanied Homeless Youth to Consent For Housing and Related Services*

Several state legislatures have recognized that unaccompanied homeless youth under age 18 need legal rights to access housing, shelter, and other basic services. States can provide critical protections, such as empowering minors experiencing homelessness to enter into contracts and to consent to shelter services. Below is a summary of such state laws, including new legislation SchoolHouse Connection helped pass with partners in Utah in 2019.[1]

Laws Empowering Minors Experiencing Homelessness to Enter into Contracts

Missouri Rev Stat §431.056 (2000)



A youth age 16 or 17 who is homeless or a victim of domestic violence and who is self-supporting (without physical or financial support of a parent or legal guardian) can contract for housing, employment, purchase of an automobile, receipt of a student loan, admission to high school or postsecondary school, obtaining medical care, establishing a bank account, admission to a shelter, and receipt of services as a victim of domestic violence or sexual abuse, including but not limited to counseling, court advocacy, financial assistance, and other advocacy services. The youth's parent or legal guardian must have consented to the youth living independently, but consent can be implied by the simple act of forcing the youth out of the home, refusing to provide financial support to the youth, or abuse or neglect.

Oregon Stat. §109.697 (1993)

A youth age 16 or 17, or any youth who is pregnant or parenting and living with his or her child, can contract for a residential dwelling unit and utility services, if the youth is living apart from a parent or legal guardian.

Wyoming §14-1-102 (2017)

A youth age 16 or 17 who is homeless, managing his or her own financial affairs, and living separate from parents can obtain his or her birth certificate and contract for housing, employment, purchase of a motor vehicle, receipt of a student loan, admission to postsecondary school, establishing a bank account, admission to a shelter, and receipt of services.


Parents must have “acquiesced” to the youth living independently, and the youth must provide an affidavit stating his or her eligibility, signed by the minor and two adults who confirm the minor understands the legal implications of the contract.


Laws Empowering Minors Experiencing Homelessness to Consent for Shelter Services


California Family Code §6924 (1992)

A youth 12 years old or older may consent to residential shelter services if the youth is mature enough to participate intelligently in the services, and either would present a danger of serious physical or mental harm to self or to others without the services, or is the alleged victim of incest or child abuse.

Hawaii Revised Statutes §346-17.6 (2012)

 A youth can consent to emergency shelter and related services if the youth understands the benefits, responsibilities, risks, and limits of the shelter and services, and agrees to adhere to the provider’s rules and cooperate and participate in the services recommended by the provider, if: 1) The provider has not, despite reasonable efforts, been able to contact a parent/guardian; 2) The provider has made contact with a parent/guardian, the parent/guardian has refused to consent, and the provider reasonably believes that the youth would incur or be threatened harm if the youth returned home; **OR** 3) The youth has refused to provide contact information for a parent/guardian, and the provider reasonably believes that the minor would incur or be threatened harm if the youth returned home.





...

Indiana Code 31-36-3-2 (2009)

A shelter or program that provides shelter, or services or items related to providing shelter, may provide shelter, services, and items to homeless or low-income children without the notification, consent, or permission of the child’s parent, guardian, or custodian.

Texas Family Code §§32.202 and 32.203 (2003, 2013)

A youth can consent to housing or care through an emergency shelter or transitional living program if the youth: 1) is 16 or 17 years old, manages his or her own financial affairs, and lives separately from parents and guardians

(regardless of whether the parent or guardian consents); **or** 2) is unmarried and pregnant or parenting.

Utah HB 371 (2019)

Youth experiencing homelessness can consent to temporary shelter, assistance with basic needs, access to a bed, showers or transportation, assistance with school enrollment or attendance, or licensed services if they: 1) are at least 15 years old; and 2) manage their own financial affairs, regardless of the source of income. A person or shelter is not guilty of harboring a runaway when they provide shelter, care, or services to such youth if contacting the youth's parents/guardians is not in the child's best interest, if the parent/guardian cannot be located, or if the youth refuses to disclose the parent's/guardian's contact information.

*This document does not address consent for health care. A summary of minor consent to routine health care is available on our website.

[1] Please contact Patricia Julianelle to share information about other state minor consent laws, or to request SchoolHouse Connection's help on state law advocacy in your state.



Stay Updated

First Name:

Last Name:

Email Address:

Recent Posts

- Action Needed by March 10th to Support Homeless Children and Youth
- SHC Submits Public Comment on Proposed Study of Federal Education Funding
-